

Appendix D—Malease Exhibits

DX1 – April 10, 2003 letter from Cinque to Phillips.

DX2 – Exhibits annexed to complaint.

DX3 – Various publicly available financial information and disclosures made by Kroger including annual reports and form 10Q filed with the United States Securities and Exchange Commission.

Kroger objects – description is too vague to even know what Malease intends to use.

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